

S.B.Cr.Misc. Bail Appli. No.5057/2007
(Bhagirath vs. State of Rajasthan)

Date of order : October 23, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Rajesh Joshi, for the petitioner.
Mr.Ashok Upadhyaya, P.P. for the State.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the police investigation diary.

It is contended by learned counsel for the petitioner that the allegations are against two persons and out of Rs.90,000/-, how much amount was given to the petitioner has not been stated in the FIR.

Learned Public Prosecutor opposes the bail application and contends that the petitioner and co-accused Om Prakash induced the complainant, a widow lady to get his son Nemi Chand married for which they have taken a sum of Rs.90,000/- on two different dates and ultimately they did not

arrange the marriage of complainant's son and committed offence of cheating.

I have gone through the statements of Nemi Chand, Sugna Ram and first informant Smt. Anop w/o of Late Shri Pokar Ram Bhama. From the statements of these witnesses, it appears that the petitioner and co-accused Om Prakash induced the first informant and dishonestly and fraudulently received a sum of Rs.90,000/- for getting the son of first informant married, which they did not fulfill as they never intended to arrange the marriage.

Keeping in view the statements of the witnesses named above recorded by the police, in my view, it is not a fit case to grant anticipatory bail to the petitioner.

The bail application filed by the petitioner under section 438 Cr.P.C. is, therefore, dismissed.

(H.R.PANWAR),J.

m.asif/-